

**OPINION
60-131**

May 13, 1960 (OPINION)

HIGHWAYS

RE: State Highway Department - Responsibilities of Commissioner - Employment and Discharge of Personnel

Receipt of your request for an opinion as to your authority to employ and discharge employees of the State Highway Department is herewith acknowledged.

Section 24-0203 of the 1957 Supplement to the N.D.R.C. of 1943 which was first enacted as Section 6 of Chapter 125, N.D.S.L. of 1933 provides that the Commissioner shall employ all engineers, assistants, clerks, agents, attorneys, and other employees, required for the proper transaction of the business of his office, or of the department, fix their titles, determine their duties, the amount of their bonds in the State Bonding Fund, if any are required, and their compensation, and shall discharge them in his discretion.

It is the opinion of this office that both the employing and the discharging of Highway Department personnel is solely at the discretion of the State Highway Department Commissioner and that the power to discharge an employee is not limited to those cases in which causes such as neglect of duty, nonfeasance or malfeasance may exist.

LESLIE R. BURGUM
Attorney General